

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 262 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 energy and the environment.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 8-1-31 IS ADDED TO THE INDIANA CODE AS
- 7 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 8 FEBRUARY 21, 2000 (RETROACTIVE)]:
- 9 **Chapter 31. Merchant Power Plants**
- 10 **Sec. 1. The definitions in IC 8-1-2-1 apply throughout this**
- 11 **chapter.**
- 12 **Sec. 2. As used in this chapter, "department" refers to the**
- 13 **department of environmental management established by**
- 14 **IC 13-13-1-1.**
- 15 **Sec. 3. As used in this chapter, "merchant power plant" means**
- 16 **a generating facility that produces electricity to be sold solely or**
- 17 **primarily to the wholesale electricity market.**
- 18 **Sec. 4. A merchant power plant may not be constructed or**
- 19 **operated in Indiana unless all of the following apply:**
- 20 **(1) All of the following have approved construction and**
- 21 **operation of the merchant power plant:**
- 22 **(A) The county executive of the county in which the**

1 merchant power plant is proposed to be located.

2 (B) The fiscal body of the county in which the merchant  
3 power plant is proposed to be located.

4 (C) If the merchant power plant is proposed to be located  
5 in a municipality, the municipality's legislative body.

6 (2) Construction and operation of the merchant power plant  
7 have received all building and zoning approvals required by  
8 the county or municipality in which the merchant power plant  
9 is proposed to be located.

10 (3) The commission has approved construction and operation  
11 of the merchant power plant.

12 (4) The department has issued all necessary environmental  
13 permits for construction and operation of the merchant power  
14 plant.

15 (5) A common construction wage is set for construction of the  
16 merchant power plant under the procedures described in  
17 IC 5-16-7.

18 Sec. 5. Construction and operation of a merchant power plant  
19 is subject to local building and zoning ordinances.

20 Sec. 6. The commission and the department may not approve,  
21 or grant permits for, the operation and construction of a merchant  
22 power plant before the requirements of section 4(1) and 4(2) of this  
23 chapter have been satisfied.

24 Sec. 7. For purposes of implementing IC 5-16-7 in the  
25 construction of a merchant power plant under this chapter, the  
26 following apply:

27 (1) "Common construction wage" has the meaning set forth  
28 in IC 5-16-7-4(1).

29 (2) The committee required to determine the common  
30 construction wage shall be appointed as provided in  
31 IC 5-16-7-1(b), except as follows:

32 (A) The owner of the proposed merchant power plant shall  
33 appoint a member of the committee to serve under  
34 IC 5-16-7-1(b)(2).

35 (B) If the merchant power plant is proposed to be located  
36 in a municipality, the legislative body of the municipality  
37 shall appoint a taxpayer of the municipality to serve as the  
38 member of the committee under IC 5-16-7-1(b)(4). If the  
39 merchant power plant is not proposed to be located in a  
40 municipality, the county fiscal body shall appoint a  
41 taxpayer of the county in which the merchant power plant  
42 is proposed to be located to serve as the member of the  
43 committee under IC 5-16-7-1(b)(4).

44 (C) The county executive of the county in which the  
45 merchant power plant is proposed to be located shall  
46 appoint a taxpayer of the county to serve as the member of  
47 the committee under IC 5-16-7-1(b)(5).

**(3) IC 5-16-7-1(c), IC 5-16-7-1(d), and IC 5-16-7-1(h) apply to setting a common construction wage under this chapter.**

**(4) The common construction wage must be filed with the county executive of the county in which the merchant power plant is proposed to be constructed not later than two (2) weeks before any contracts for construction of the merchant power plant are awarded.**

**(5) IC 5-16-7-2 applies to construction of a merchant power plant under this chapter. Notwithstanding IC 5-16-7-2, a contractor on a merchant power plant construction project shall file the wage schedule required by IC 5-16-7-2 with the county executive of the county in which the merchant power plant is being constructed.**

**(6) A contractor or subcontractor who knowingly fails to pay the common construction wages determined by the committee under this chapter commits a Class B misdemeanor."**

Page 1, line 1, delete "ON" and insert "UPON".

Renumber all SECTIONS consecutively.

(Reference is to ESB 262 as printed February 17, 2000.)

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Representative Liggett